

**Constitution Revision Commission
General Provisions Committee
Proposal Analysis**

(This document is based on the provisions contained in the proposal as of the latest date listed below.)

Proposal #: P 97

Relating to: AMENDMENTS, Amendment or revision election

Introducer(s): Commissioner Keiser

Article/Section affected: Section 5 Article XI

Date: December 11, 2017

	REFERENCE	ACTION
1.	GP	Pre-meeting
2.	EE	

I. SUMMARY:

The proposal amends Section 5 of Article XI of the Florida Constitution to require that any proposed amendment to or revision of the Florida Constitution be approved by a vote of not fewer than 60 percent of the voters voting in the election in which the proposed amendment or revision is considered rather than 60 percent of the voters voting on the measure.

II. SUBSTANTIVE ANALYSIS:

A. PRESENT SITUATION:

Currently, a constitutional amendment passes when it is approved by at least sixty percent of the electors voting on the measure (ignoring any electors who refrain from voting on the measure).¹ Prior to 2006, section 5 of Article XI specified only a simple majority for amendments to pass. The constitutional amendment raising passage to 60 percent was placed on the ballot by the Legislature² and approved by voters in 2006.³

An example of the effects of the change from a simple majority to 60 percent can be seen in the last general election. Amendment 1: Rights of Electricity Consumers Regarding Solar Energy Choice received a simple majority in favor of the amendment, but did not receive 60 percent so it did not pass.⁴

¹ Fla. Const. art. XI, § 5.

² See *Florida House of Representative Staff Analysis of CS/HJR 1723 (2005)* for additional information <http://archive.flsenate.gov/data/session/2005/House/bills/analysis/pdf/h1723d.JC.pdf> (last visited 12/11/17).

³ <http://dos.elections.myflorida.com/initiatives/initdetail.asp?account=10&seqnum=63> (last visited 12/11/17).

⁴ Amendment 1 (2016) received 4,560,682 for and 4,418,788 against <http://dos.elections.myflorida.com/initiatives/initdetail.asp?account=64817&seqnum=1> (last visited 12/11/17).

B. EFFECT OF PROPOSED CHANGES:

This proposal raises the bar to pass new constitutional amendments by effectively counting electors who refrain from casting a vote on a proposed amendment as disapproving of the amendment. Typically, voters who participate in an election but refuse to cast a vote on a particular item will be ignored with respect to that item when the results are calculated.⁵ If this proposal were to pass, failure to vote would count as a no vote on a proposal.

C. FISCAL IMPACT:

None.

III. Additional Information:**A. Statement of Changes:**

None.

B. Amendments:

None.

C. Technical Deficiencies:

None.

D. Related Issues:

None.

⁵ See, e.g., Fla. Stat. § 102.071 (2017).